

***Innovative Planned Unit Redevelopment:
A Creative Land Use Schema for Stimulating Low/Moderate Income Markets***

An Honors Thesis (HONR 499)

By

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Abstract

Zoning has been part of community planning for over a 100 years. Despite rising demands of and the emerging market demand for mixed-use, infill redevelopment, American cities continue to follow outdated regulatory standards. In response, there is a new regulatory tool to address changing trends and adapt to development in economically impacted neighborhood markets. This response in the form of a planned unit development (PUR) model that mitigates existing zoning hindrances to a planned development, encourages community collaboration to achieve financial equity and preservation of existing buildings, while adding requisite value to the redevelopment.

For decades, “Euclidean” zoning ordinances have separated designate land uses, such as: residential, commercial, etc. Even further, zoning may also regulate lot size, site capacity, and structure size/ bulk. As imagined, zoning can greatly determine the outcome of public and private infrastructure development in a city. With strict regulations and a narrow perspective, zoning presents tendencies of sapping the life out of the most zealous urban enthusiasts.

This new form is with challenges, however, addressed through land value capture and compensation techniques, including tax/ subsidies, consumer/ investor-based cooperatives, and the incorporation of a neighborhood site/ re-platted plan into zoning, people can be incentivized to participate. If successful, the model holds the potential to preserve existing uses, while satisfying the compelling need for new land reuse tools to spur markets for redevelopment. I examine and analyze the regulation and execution of urban/ suburban redevelopment in the planned unit form, reviews of current literature and case studies, and other research to supplement my central thesis.

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Process Analysis Statement

My advisor, Bruce Frankel, first introduced me to the idea of a planned unit form in Spring of 2016 as my urban planning studio professor. Fascinated with the mantra of “innovative renovation before new construction”, I began to envision what market impacts a PUR could have on a community and even attempted to propose the idea in my group’s project; however, there was so much that I did not understand about zoning and its tools.

For years, I had been invested in the “design” side of urban planning, rather than the “regulation” side. A PUR had been foreign language to me until that semester, yet the uncertainty fueled my ambition to learn more. Inevitably, it was very challenging for me to understand a PUR scenario since I had not been exposed to the idea and no similar case study seemed to exist, however, I was determined to try.

Following the end of the term, I decided to dedicate my research thesis to PURs and learn about cooperative land uses and agreements between property owners. I had also been drawn to the idea of combining innovative urban planning techniques in low income markets, essentially where the market has abandoned. In late April, I met with Dr. Frankel and asked him to be my Honors Thesis advisor, as he had dedicated years of practice to conceptualizing a PUR. I expressed my idea of an extension of the idea into low income communities and we had begun collaborating and discussing the implications to follow.

Dr. Frankel warned me that there was limited material on PURs so, in a sense, I would be responsible for conceptualizing the idea, presenting research questions, reviewing similar literature, and then constructing a narrative of a PUR with no precedent. At this point, I had grown motivated by the research I would uncover, as well as the doubt in pioneering my own hypothesis.

Throughout the summer of my senior year, I read everything I could get my hands on while in Uganda for an internship. I was determined to understand more about urban planning regulation and became a “sponge” for information. Upon return to the United States, I began my weekly meetings with Bruce and spent a majority of my Fall semester outlining PURs and reading about similar existing situations, like PUDs. I had even sifted through over 3,000 documents on the American Planning website in hopes of redevelopment methodologies explained. At a road-block in November, I noticed advertisement for Honors Undergraduate Fellowship positions. Anxious to seek an alternative research method, I decided to apply in hopes of conducting my own research.

Fortunately, I was accepted for the Spring 2017 semester and commenced preparation as soon as I had been notified I had the intention of utilizing fellowship status to be supported by the University to conduct my own research and interview several developers, currently in practice, about redevelopment scenarios. I met with five different developers from Indianapolis and Chicago during the first half of the semester. The remainder of my time was spent compiling my insights collating all original research into a creative framework for redevelopment to be submitted to Planning Magazine or equivalent. Also, a summarized portion of my research will act as a supporting document to this thesis.

The importance of my contribution, and this thesis, is to shed further light onto traditional development approaches. There is a concurrent rising trend in development, that demands modern urban renewal to meet an emerging market for mixed-use zones, especially in redevelopment areas; however, the problem is that most developers and planners are attempting to meet this demand by initiating new construction projects on a lot by lot basis, rather than repurposing current uses, new construction on vacant land, and public uses, such as parking, parks and other facilities. It is time that people seek alternative approaches to incentivize redevelopment so that cities can steadily improve from the ground up. It is also important for me to embark on this uncovered research to enrich my own curiosity and ambitions within the profession and to further prepare myself for my career.

Along the way, I have learned a lot about myself and credit a majority of my stress and ambition to my thesis. For one, I have definitely come to the realization that I will not know everything. There is a lot of information to be uncovered as there is a lot that I am not well-versed in, in terms of planned development; however, I know that this process has taught me to be ambitious, yet humble, despite my status and credibility as a young student. This process also taught me that I focus most on specific details, while still upholding the overall vision of the project and the ideas of my peers, which can be an advantage or disadvantage at times.

While I continuously try to expand on my written and research skills in the classroom, I am also eager to gain practical experience in the field. All of these realizations have made me into the person I am today. I believe that I will only continue to grow, as an open-minded, young, and

ambitious professional, especially from the continuous support of the urban planning department, Honors College, my parents, and, of course, Bruce Frankel.

With the influence of Dr. Frankel, I am more invested in understanding what I learn in my research and how it pertains to my goals beyond Ball State. I have also discovered (tentatively, of course) what I want to do with my life after graduation. Certainly, a major portion of this revelation is dedicated to him for encouraging me, challenging me, and believing in me to always do my best in whatever I do.

II. Introduction

In nearly every city, there exists zoning, and within a written ordinance, it is a standard method of designating pieces of land to a specific use, such as: residential, commercial, etc., and may also be used to regulated lot size, placement, or structure size and height.

Within the Indiana Citizen Planner's Guide Part 8: Zoning Ordinance, the follow description of a zoning ordinance can be found:

A zoning ordinance divides a jurisdiction of a local government into districts or zones and regulates land-use activities, the intensity or density of such uses, the bulk of buildings on the land, parking, and other aspects of land use. The ordinance consists of a text and zoning map, both of which may be amended by the local legislative body.

Within zoning, there is a fundamental choice between [a] planned and [b] unplanned developments, and between a [a] comprehensive and coherent design and review and [b] piecemeal and uniform zoning and subdivision standards of height, bulk, set-back, open space and parking metrics as well as Euclidean¹ separated land uses. The history of developments, particularly residential and ensuing the Second World War in the 1950's and 1960's has embraced the latter [b]² (Frankel, 2016, 2017) .

Most often, zoning, or *land development controls*, are written and determined by lawmakers and comply with the comprehensive plan of the city. While in theory, this may seem like an effective way of designating land control, it is not always the most efficient. The problem is that, with

¹ *Ambler Realty v. Village of Euclid*,

² Daniel Mandelker, Unit Developments, APA Planning Advisory Service Report # 545, 2007

rising trends in urban renewal and mixed use, people are straying away from outdated land controls that do not permit desirable uses. Mixed uses can be explained, for example, as a semblance between residential and commercial uses, such as first floor retail and second floor apartments.

While some developers prefer rigid rules to avoid an overturn of a development timeline, others, and planners for that matter, prefer innovative land use ordinances that allow for a variety of projects to occur. Land use control and real estate development traditions are largely anti-urban in that they reject mixed uses and led lead to the sameness in “cookie-cutter” residential and commercial subdivisions.

In the nature of most conventional zoning codes, it is common for single-family, multifamily, or commercial uses to not be permitted within the same zone district, which defies urban trends, while upholding standards for setbacks, bulk, and right-of-ways. As imagined, most often, the mixture of segregated land uses results in “cookie cutter” design and sameness, which results in less incentive for innovation and creativity – especially within subdivision design. As most urban planners in the 21st century would agree, with great influence, comes great criticism to this age-old regulatory method. Why did people let zoning regulation take over the outcome of city development? More importantly, how can zoning tools be reclaimed and revised?

In the 1950 and 1960's an innovative and noteworthy approach, planned unit developments (PUDs) arose and omitted pre-existing zoning capacities and promoted collaborative, flexible

development. With the adoption of PUD ordinance, property owners and planners no longer had to comply with zoning that does not adhere to current trends in development.

Most states then to adopt the Standard Zoning Enabling Act³, which ignores any regulative authority to restrict a PUD. In a sense, traditional land development controls, spearheaded by lawyers, preferred highly regulated, while unplanned developments, over planned ones.

Meaning, lawyers whom were not educated on the function, nor the form, of the city were held responsible for delegating land uses; however, a PUD is free of constraint and allows planners and developers to plan for community development flexibly.

In 1965, Urban Land Institute (ULI) proved that a PUD was too rigid after publishing a model of it. Inevitably, the American Planning Association (APA), originally known as American Society of Planning Officials (ASPO), commissioned Daniel Mandelker to prepare a PUD model ordinance and assess its performance in practice⁴. Mainly, Mandelker proved that these provided for residential cluster developments, with attendant open space, either through subdivision controls or as conditional uses in zoning.

³ Standard State Zoning Enabling Act, 1921 and with 2nd printing 1926, U.S. Department of Commerce. The American Planning Association wrote that the SZE with the Standard City Planning Enabling Act of 1927 "laid the basic foundation for land development controls in the U.S." Sources: *Advisory Committee on Zoning (1926). A Standard State Zoning Enabling Act: Under which municipalities may adopt zoning regulations (PDF) (Revised (1926) ed.)*, Washington: U.S. Government Printing Office; Meck, Stuart, ed. (January 2002). *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change (2002 ed.)*. Chicago, Illinois: American Planning Association. OCLC 275187048

⁴ Daniel Mandelker, Controlling Planned Unit Development, Chicago, IL, American Society of Planning Officials, 1966; also Mandelker, "Reflections on the American System of Planning Controls: A response to Professor Krasnowiecki," *University of Pennsylvania Law Review* 114, No.1: 98-105. See also, Collen Moore and Cheryl Siskin, PUD'S in Practice, Washington, DC, Urban Land Institute, 1984

In the early 1980's, PUD's were everywhere and a reaction to the neo-traditional design, or traditional neighborhood development [TND] movement. In 1981, Robert Davis developed the 80-acre Gulf coast town of Seaside, Florida. Almost a decade later in 1989 Joseph Alfandre and the Chevy Chase Bank developed Kentlands on 352 acres in Gaithersburg, Maryland. These early projects had their design and financial challenges, including Alfandre's deed in lieu of foreclosure to his lender, but today there are more than 350 built TND's nationwide.

Several projects presented design and financial challenges, but were accepted and welcomed by communities. A 1998 benchmark publication was sponsored by APA and the International City/County Management Association [ICCMA], Best Practices Development. The publication highlighted best practices of mixed land uses, mixed-income housing, transit, and open space conservation, evidently adopted in PUD ordinances.

- In comparison to the idea of a PUR, are urban, infill applications of the PUD concept. Hope VI of HUD, the replacement of failing or defunct public housing, is premised on the lower-density design motif of TND's. Fall Creek Place, later mentioned in the Case Studies section, the award-winning, 26-block redevelopment of perhaps the most disinvested neighborhood in Indianapolis, during its development of 2000-2004 has proven a meteoric success of a public-private partnership of Federal HOZ, area lenders and Mansur Properties.

Predominantly residential, there are mixed uses present with retail, small office, recreation and institutional in these more recent infill developments. The development managed to save and repurpose 73 of the 430 lots. In terms of preservation of existing uses, Fall Creek Place qualifies as an example of a PUR in some ways. (Frankel, 2016, 2017).

The trend is to provide a semblance of the traditional neighborhood and small town effects. It is a nostalgic movement, but largely through new construction to mimic pre-modernist styles. Additionally, there is a concurrent rising trend in development, that demands modern urban renewal to meet an emerging market for mixed-use zones; however, the problem is that most developers and planners are attempting to meet this demand with new construction projects rather than repurposing current uses.

As a resolution – we say “What if?” – what if zoning ordinances were written in a way that many zones could be applied to a piece of land, allowing ease in following market trends and collaborating, not necessarily copying, with surrounding zones? What if developers and planners reverted to tactical redevelopment projects to save money and time? What if lots of property owners could form a co-operative agreement that would prompt them to be their own “developers” and collaborate on methods for future development, land zones, and more?

A PUR’s intention is economic, to generate positive impact on reinvestment – in disinvested, low-income neighborhoods – through a coherent redevelopment strategy. Two, as method of planned redevelopment, in which existing uses are preserved and repurposed to add cohesive

value to a mutually, motivated co-operative group of property owners as the redevelopers. The vision of a PUR scenario is also two-fold: to divert away from traditional zoning restraints and to allow for the collaboration between people to mutually benefit from a thriving area.

In the case of a low income area, if a consortium of the property owners, say within a 5-square block radius, agreed to work together and communicate on future redevelopment to support the overall community, a surplus of advantages would come. This group of people would then agree to form a cooperative amongst partners like developers, the city, and nonprofits. Redevelopment would benefit from flexible comprehensive planning as well as low land acquisition costs – as property owners are providing land capital as an equal partner.

Inevitably, property values rise, people would gain a greater sense of responsibility, taxes/subsidies could compensate risk and reward in development, and attraction would heighten the abandoned market. In simpler terms, some property owners benefit from “windfall” type situations, whereby, the property inflates in value, like a condominium complex or a popular coffee shop; however, other owners may risk ownership of “wipeout” properties that stand to generate substantial less return on investment, like a park. Taxes and subsidies help transfer the costs or benefits of property ownership back to its owner. This promotes fairness and equality in a mutual or co-operative scenario.

Across America, zoning codes have dominated, determined, and protected a variety of land uses for decades, with the attention of a specific audience. While some may agree that, at times, zoning

does carry the “best interest” of the community for the greater good, others would say that current regulation only defies creativity at the expense of short term profit.

Zoning, as a regulatory tool, boasts height and bulk limitations, setbacks, and more onto every property. Most often, the literature of such specific property “rules” is far too technical for the average person and directed towards developers, whom stand to benefit from a community not having much jurisdiction over the outcome or timeline of a development. With no universal approach to zoning exists, most cities rely on traditional zoning and land use designations versus engaging in inclusive, innovative, and exploratory PUD or PUR scenarios that involve an extensive amount of public participation.

In a perfect world, common people would take on civic “leader” roles and facilitate communication amongst the community about what the area should look like; however, at large, this is impractical with the size of cities. What is possible is to have zoning, as a regulatory or creative tool in the form of a PUR, to flex with and compliment community goals, rather than standardizing them. Too often do seemingly standardized zoning approaches, or even overbearing regulations, create conflict with the creative development approaches of urban enthusiasts.

Importance of Urban Planning

In order to understand the meaning of a PUR, it is important to first understand the premises for which why urban planning is important for community organization, development, and growth.

To accomplish specific goals, we make plans. It is in human nature to plan for future events, especially to avoid negative outcomes. In the field of urban planning, it is necessary to relate the importance of planning in comparison with the future of towns, cities, counties, and regions. By definition, community planning calls for time, effort, and resources of stakeholders in the community so it is important to emphasize the relevance of planning to investors.

Socially, planning encourages cooperation and consensus on goals and objectives within the community. It is the responsibility of the leaders in the community to encourage all participating individuals to represent and voice their priorities and aspirations of the future. The planning process is critical in identifying these opinions as well as insecurities, whether shared or not. Throughout the process, participants will also be educated on the importance of planning, which creates a sense of responsibility, which increases the likelihood of continuous, aspirational progress.

With separate costs, benefits, and opportunity costs of community growth, planning encourages equal distribution between development factors. For example, the planning processes can address market failures, such as when a community has unmet demands for low income housing. In this example, a planner would be responsible for coordinating public and private effort to offer low

income housing alongside accessible jobs, transportation and other amenities to support the funding for market demands.

Economically, urban planning leads the way for accessible resources and public infrastructure. In nearly every community, a major portion of tax revenue is generated for the purpose of maintaining facilities, such as: roads, schools, sewer systems. Some land uses cover the cost of that use whereas others may fall short and rely on excess contribution, whether through service fees, etc. In general, the position of the city planner is initiate conversations with residents and business owners about the impacts of different developments with in specified locations.

Urban planning is also incremental in ensuring protection of property values. Typically, most interested buyers or renters rely on “location” as a forefront determinant before purchase. The economic process, hedonic housing, can be a valuable tool to the field of planning as amounts represent a calculation of the monetary value of locational resources in housing (i.e. the value in being located closer to a park versus a restaurant). When growth is not planned for according, nor adjusted to changing market demands, homeowners may feel direct, monetary consequences.

In sum, planning for community development must be a proactive role, rather than reactive, for the city planner. Unfortunately, there is no true way to predict a uniform approach to planning, as there will always be diverse sets of challenges and advantages. The main point is that a planning process should be a part of a community’s growth so that social, economic, and other benefits outweigh the costs.

Historical Perspective of Zoning Regulation

The history of zoning regulation and implementation emigrated from nuisance laws and “Not in My Backyard” impulses. Post regulation, cities relied on nuisance laws to determine the built environment. If neighbors dare disagreed on property management, they could request to go to trial and allow a judge to decide the fate of the land.

Advanced building techniques required greater height, bulk, and more in order to be as prominent as possible. Neighborhoods quickly came to the conclusion that although they admired the architectural advancements, the cost was sunlight and air. At the same time, factories and warehouses juxtaposed attractive shopping districts, which angered routine clientele. There were some small efforts made to regulate the growth of the city but the greatest impact came in 1885 from a new law restricting buildings to one-and-a-half times the street width.

This was later challenged and upheld at the Supreme Court level in 1909 when developers opposed Boston’s building height restrictions around Copley Square. By 1915, regulatory measures were challenged yet again with the 42-story Equitable Building in New York City. The building’s height rose without setbacks to 538 feet and cast a seven-acre shadow onto its surrounding neighbors.

A lack of sunlight and increased congestion affected surrounding property values so much so that neighbors demanded regulatory measures be set. In 1916, New York City quickly responded by

enabling the first comprehensive zoning code, which was developed by Edward Bassett, JD (Fischel, 2001).

The law was meant to regulate building shape rather than height so, in turn, this explains why older New York skyscrapers portray a particular profile. Consequentially, light and air reached the sidewalk because builders followed the form of constructing the skyscraper to a certain height maximum and then setting the bulk of the building back before continuing to rise higher. This gave almost a staircase or stacked effect for these landmark buildings.

While this aspect of the code greatly affected skyscraper construction, there was more to the code than simple building design standards. Bassett arranged separate residential and business districts. The only problem with this was that people complained of not being within the city district; however, this rapidly changed with public transportation.

San Francisco was the first to attempt a new transit method: the streetcar. In fact, San Francisco had already been invested in developing land use regulation laws at this point. In 1885, the city confined all laundries and washhouses to be situated to the west side of town. Most people viewed this as an attempt to zone the Chinese business owners out of the city boundaries and because of its controversial nature, the city's wishes were quickly invalidated. In 1909, the city of Los Angeles enabled its zoning power to establish a distinction between industrial and residential land uses (Fischel, 2001).

At its initiation, people were reluctant to change in fear of losing business or attraction within a neighborhood; however, homeowners remained just as insistent in arguing the value of their land and its identical depreciation to the boost in industrial infrastructure. At its core, zoning was fabricated by disgruntled American homeowners wishing to uphold property values and increase beautification within cities. In it's a prior hope, no adverse change will not incur quickly, nor should property owners feel insecure with zoning.

Zoning, in its most "basic" definition, is the practice of allocating parcels in cities for various uses. In North America, zoning regulation has proven to be the most relevant legal tool for land use determination and regulation. With the power of zoning, local governments have the legal "obligation" to relate every piece of private or public property to that of the city's comprehensive master plan and in accordance to the health, safety, and welfare of a community.

Approaching its 100th birthday, zoning is arrayed into four distinct forms: *Euclidian, conditional, form based, and performance*. In a conference proceeding, Lane Kendig and Mark White discuss the four forms distinctively and descriptively⁵. Each form is with differential variation, however, the most widely unchanged, for 98 years, is Euclidian zoning. Critiqued and uniform, Euclidian

⁵ Kendig and White discuss a brief analysis of zoning capacity and barriers. **Legal Authority.** The overall performance of zoning relates to conformance to state and federal law, and how completely the codes address with key legal requirements. **Environment.** Protecting the environment has long been an important planning goal. Today, concerns about climate change, natural resource protection, and energy conservation are more important than ever. **Housing.** Zoning has been accused of being exclusionary. The federal government has sought to have communities provide more affordable housing (Kendig & White, 2014).

zoning is a defaulted method that has been largely outgrown by current urban trends; in short, obsolete, but widely practiced. Conditional zoning involved conditions to accommodate public approval, under specific stipulations for development. As a more flexible option, PUDs emerged from conditional zoning methods. Later on in 1950, people began to notice that there was a concurrent rapid growth in suburban neighborhoods and people were anxious to control the direction, however, Euclidean nor conditional were applicable to control such growth.

At the time, zoning fell short of addressing “time” within development and communities were searching to systematically mitigate impacts of new infrastructure, such as: roads, utilities, parks and open space, and other resources. People began exploring long-range growth planning as well as investing in opportunistic ventures. By 1970, planners were looking to direct their efforts towards character and resource protection in a method known as performance zoning (Kendig & White, 2014).

Comprehensive, and much more involved with public input, performance zoning⁶ adopted the flexibility of conditional while engaging the community more through graphic representations. Performance zoning codes were also added to Euclidian practice and prompted designers to work with unique sites, while not suffering less density. Developers, at the time, were also incentivized

⁶ Within the Indiana Citizen Planner’s Guide: Part 8 Zoning Ordinance: *These ordinances contain requirements based upon the characteristics of a use, rather than on the category of use. A conventional zoning ordinance might list a printing plant as a permitted use in a particular district, thus treating a quick-print franchise in the same manner as a large commercial printing facility. Under performance-based zoning, the ordinance would instead regulate the size of the building, the amount of traffic it could generate, the types of vehicles making pickups and deliveries, and so forth* (Porter & Bergman).

to meet emerging market trends through protecting community response, like: nuisances, environmental management, community character.

With performance zoning leading way as a significant advancement, the method depended on math ratios and strict standards. At its time of implementation, planners tended to fear the complexity of the program and doubt whether the development required such guidelines. For clientele and developers, fear comes when having to adjust to a new method and to lose authoritative power.

In the 1990's, the form based code arose and promoted urban development through mixed use scenarios, while emphasizing user-friendly techniques like walkable streets, building typologies, and design standards. According to Kendig and White, form based codes "...deemphasize the segregation of uses by district The "Smartcode," a model form based code, uses a character concept called a "transect" that divides a community into functional areas ranging from rural to urban" (Kendig & White, 2014). Similar to other methods, form based has critics as well and consists of groups being concerned over mixed use development impacts, fear of marketability, and overextended expenses with rigid templates.

Overall, Kendig and White state, "...most communities use a "hybrid" of each to approach coding." With significant advantages and disadvantages, communities are left to decide which method or combination of methods works best. The purpose of this section is to summarize the

history and touch on current zoning approaches, while introducing the reasoning for the need for alternative, innovative zoning tools.

Importance of Zoning Ordinances

As one of the many tools used to implement comprehensive plans, zoning allows for jurisdiction, preservation, etc. over the right to land uses. While confused often, a comprehensive plan is the guide for city development, whereas a zoning ordinance is a regulation designed to make the plan happen. The Indiana Code 36-7-4-601 lists several purposes of zoning ordinances:

- *Securing adequate light, air, convenience of access and safety from fire, flood, and other danger;*
- *Lessening or avoiding congestion in public ways;*
- *Promoting the public health, safety, comfort, morals, convenience, and general welfare;*
- *Otherwise accomplishing the purposes of this chapter [Chapter 4 of the Indiana Code, Local Planning and Zoning].*

Some regulations fall under limitations on setbacks (i.e. distance from building to street), height and bulk (i.e. size and height of a building or capacity), or even on what land is adequate enough for infrastructure. In general, all ordinances are concepts of the public health, safety and welfare of a community and aim to protect property values, lower public costs, and increase livability. The one of the greatest perceived debates, that exists in the urban planning world and that of this thesis, is over the extent to which zoning ordinance should regulate the built environment and whom is responsible for drafting, monitoring, and updating ordinances.

Introduction to PUDs

Over the past decade, Planned Unit Developments (PUDs) have grown to make up some of the larger shares of new development in cities. Initially, beginning in the 1950s and 1960s, PUDs derived from the growing idea that land-use regulation could resolve into different concepts. A PUD enables a development project, or collective set of properties, to be considered comprehensively prior to development. In David Mandelker's report on PUDs, he states:

A PUD is a development that has been approved in a process that requires the comprehensive review of project design and that can include a variety of project types, including infill developments, housing developments, and mixed-use developments, such as master-planned communities (Mandelker, 2007).

Conventional zoning does not permit single or multi-family and nonresidential uses to be placed in the same district. There are also strict regulations on design standards for how far the building has to be from the street and/or how much of the building can take up the property, which produce uniform, dull projects that result in "sameness" of design.

Developers only complied to the standards and reverted to "cookie cutter" design that was cheap and easy enough to turn a profit on. In response, PUDs were implemented by new sets of regulation and served as the resolution to these failings in development, specifically mixed use and urban settings. Its intention is to provide comprehensive review to overcome obstacles in zoning regulation to improve overall project design, open spaces, and increased densities.

Overall, changes in development can be threatening to neighborhoods. Often this results in a planning situation entitled “Not in My Backyard” (NIMBY) where outspoken residents restrict a project on the premise that it will inflict on their livelihood. The resolution of PUD models, as Mandelker writes,

PUD ordinances allowed communities to use their discretion in deciding what developments they would accept, but that discretion was limited because any developments they approved would serve the typical family and would likely be built in the familiar development pattern (Mandelker, 2007).

With its advantages and disadvantages, a PUD represents a dual charter approach towards planning: legal concept and physical plan. With a PUR, the premise is very similar as the idea is also a comprehensive re-development plan, that initiates repurposed use of buildings, façade improvements, alteration in land uses, etc. The second premise of the PUR is that unlike a single owner PUD, a PUR could present a mosaic of property owners to control and operate a series of land dedicated to open space or mixed use development.

Finally, the NIMBY issue often arises; namely, PUDs offering a different style of housing or higher densities sometimes attract community opposition and challenge in a voters’ referendum. Process attracts public participation, which is necessary and can be helpful, except that NIMBY opposition often is unjustified, and securing approval over public opposition is difficult.

Research Questions

To begin, the central question is this: How will a Planned Unit Redevelopment (PUR) scenario be envisioned, coordinated, adopted, and executed in a comprehensive manner? What are corresponding requirements for an effective PUR; then, how should this be regulated? In theory, a PUR scenario acknowledges and encourages structures to remain intact while considerate of adaptive reuse, allowing for a natural course of sustainable renewal to evolve within a community as a holistic approach to redevelopment and revision of standards.

The PUR approach portrays an inclusive attitude towards alternative land development as a whole. Zoning, in its entirety, should accommodate a multitude of uses, however, it does not and appears more concrete rather than visionary and inventive. The greatest goal of this research and its corresponding question is to unite both prophetic planning and rigid zoning to initiate change. How can this be accomplished in a way that that complies to all other stakeholders and city governing?

In terms of ownership, how can a city encourage immense redevelopment efforts, while upholding the wishes and ownership boundaries of community stakeholders? Contrary to traditional Planned Unit Development (PUD) scenarios, the PUR process of land acquisition is not by purchase but rather rewritten as an arrangement of property owners with redevelopment as the analogous objective. In its attainment, site control is operated in multiple ways. For one, if the area is blighted, eminent domain can accommodate fast control methodology.

The PUD concedes to the PUR that much structures will remain intact, although holding open their adaptive reuse, and that specific parcels will gain new structures and uses or be dedicated to agrarian, recreation and open space purposes. Unlike the PUD with a single developer purchasing the land from a single seller, the PUR presents a mosaic of low income property owners. In gaining site control, do all current residents forfeit their properties in exchange for partnership between developers? This could be seen as the PUR assembling the land not necessarily through purchase but by a variety of collective actions, including developer/ consumer cooperatives, and public tax/ subsidies for windfalls and wipeouts (i.e. profitable and non-profitable land uses).

Another method is to rely on urban renewal, which by practice is the way of acquiring everything through method of purchase or a single developer. The approach most relatable and inventive is the consortium approach as a joint venture opportunity or as a co-operative mission. This brings great question, should the process be orchestrated in the fashion of a joint venture agreement with stakeholders and the city/ developer or should efforts be translated into a co-operative association of community persons united for mutual benefit? In total, there is lesser risk in the PUR model. With a consortium approach, there is no acquisition cost but only mutual stakeholder benefit from a shared system.

Regulation challenges may continue to arise throughout the commencement of the PUR. What sort of concession should exist between the local plan commission and the developer? Most importantly, is there a need for an overlay district? Should preexisting uses be considered priority for redevelopment to comply with contemporary comprehensive planning goals? Should land use regulation remain precise or revert to a more general standard?

In conjunction with the abovementioned question, should original zoning districts surrender enforcement to a PUR? Also, what level of redevelopment should be permitted to influence historic structures? Is it advantageous to encourage uniformity in architectural style, building materials, setback allowances, etc. with existing uses in a PUR district or should redevelopment rely on greater densities to increase attraction? In conjunction, what creative resolutions could relieve blighted, disinvested neighborhoods to achieve comparable redevelopment results to other neighborhoods?

While a PUR's intention is positive and adaptive, the chance of further challenges arising post alteration still exists. For example, greater density and intensive land uses add to traffic congestion and thus adversely encourage community critique. Even though little to no true case study exists, this thesis strives to illustrate a pathway of creative resolutions to address challenges with redevelopment, while identifying both economic and political demands, so that a PUR can be envisioned as an inventive alternative to adaptive land reuse and renewal.

Additionally, a PUR's intention is economically focused to generate positive impact on reinvestment in low income neighborhoods. Through a reinvestment strategy, this process contrasts more modest, politically-motivated, conflict-aversion goals of conventional zoning. A PUR goal is two fold: preserve, rather than generate, property values; develop different comprehensive, and neighborhood community/ economic development plans.

The truth of the matter is this: precedents and case studies of alternative redevelopment in the form of a PUR remain undiscovered. With this in mind, a multitude of challenges exist and may arise when defying conventional development methodology. Initially, this may ascend as an obstacle yet the absence of true prior research inevitably adds onto this thesis, while also encouraging its language to be more conceptive. With this is mind, these research questions are posed with the notion that speculation will continue to incur beyond its concrete form.

III. Literature Review

The APA Policy Guides exist as policies that represent the majority thinking of the American Planning Association members of principle and practice. Each guide portrays the American Planning Association's official position on issues regarding community building. Within the "Adopted Policies" section, four specific policy guides stand out and are be proven to be critical pieces of support for a PUR scenario in this thesis. Each policy guide will be carefully reviewed, digested, and compared amongst the goals of a PUR.

Neighborhood Collaborative Planning (1998)

The goal of neighborhood collaborative planning is essentially this: neighborhoods must reorganize and collaborate for the purpose of achieving overall community development initiatives. In turn, it is the responsibility of local officials and planners to lay the ground work of the process so that community members feel as though they can freely express opinions and suggestions. With a line of communication and meeting being established, a framework for the process will be created and has a greater chance of being supported since so many people will have been involved. The greatest hope would be that this implementation goes beyond the neighborhood level and onto the municipal, regional, and state levels.

In order to commence neighborhood planning practices, there must be an initial understanding of economic, social and physical characteristics in order to maintain both the sense of place and community. Historically, the process of community planning has relied on a 'top down' situation. This can be argued both inefficient or efficient, however, in simply telling a neighborhood what to

do, it is proven there is less and less cooperative effort. Within the policy guide, it is stated that “Planners have unique skills to provide communities with information and alternatives, help coordinate the efforts of many players to resolve neighborhood problems and maintain a long-term perspective that incorporates various disciplines” (American Planning Association , 1998).

The American Planning Association and other groups have conducted research that proves the best neighborhood plans are facilitated by planners and drafted by informed residents, active leaders, service providers, and local businesses. In the case of a PUR scenario, it is very important to relate this policy to the formation and moral of a cooperative group. With regard to the American Planning Association position on planning, it is most effective with cooperation between neighborhoods and neighbors amidst the planning efforts (American Planning Association , 1998).

Smart Growth (2012)

The American Planning Association supports the development of mixed use, mixed income livable communities in which people can choose to live, work, and play voluntarily. The goal of Smart Growth is to support choice and opportunity by promoting efficient and sustainable land development, with the incorporation of productive redevelopment patterns. This kind of action optimizes prior infrastructure investments, while consuming less land that is otherwise available for agriculture, open space, natural systems, and rural lifestyles.

Smart Growth priorities include: providing choices, tailoring choices, and retrofitting communities. Providing choices does not entail a dichotomy between large suburban homes and dense urban high-rise structures, however, simply that there is gradual difference between structures in order to accommodate to multiple uses. Additionally, there is value in modifying choices for individualized settings. For example, while some communities challenge juxtaposition of smaller detached homes on small lots, others may welcome it. The importance of retrofitting growth patterns to communities is largely related to the ideals of Smart growth – as housing types and prices, as well as lifestyle, play a major role in the attitude of the community.

Major findings of this policy guide relate to the American Planning Association stance on optimal growth, coordination, and expansion. In relation to the idea of a PUR scenario, Smart Growth values and the American Planning Association stance, maintenance and expansion of existing public infrastructure results in a more efficient use of limited public resources, which creates the optimal outcome for development. Additionally, the American Planning Association concluded that, while there is no universal approach to Smart Growth, there is clear consensus that coordination in planning, policies, and services, will help support and reinforce community development to that fit anything from a local to a statewide contexts (American Planning Association, 2012).

In sum, this policy guide references that the, “American Planning Association supports policies that encourage and create incentives for land redevelopment and urban infill development” (American Planning Association, 2012). Along with this, it is recommended that growth and

development be coordinated concurrently with the provision of infrastructure capacity and services.

A PUR scenario is exactly this – development should be directed towards existing public infrastructure and cooperation of partnerships, while keeping infrastructure capacity in mind. Every scenario is defined by constraints, location, and services in a community, however, the idea of Smart Growth, and that of a PUR, is centered around the moral approach that zoning should be creatively redesigned and reclaimed by stakeholders.

Neither Smart growth nor a PUR scenario are singular tools, but sets of collaborative, urban planning principles mixed and melded with unique local and regional conditions to achieve better development patterns. In hope, the result will increase collaboration and partnership between community members to “advance place-based and regional goals and objectives, while respecting local land-use preferences and priorities” (American Planning Association, 2012).

Takings (1995)

The American Planning Association and the court have held and recognized that regulations intended to prevent or eliminate a nuisance cannot be considered a taking. For this, "takings" can be defined by several circumstances. From the Takings (1995) policy guide:

- a) *“where the landowner has been denied “all economically viable use” of the land;*

- b) *where the regulation forced the landowner to allow someone else to enter onto the property (in this case a cable company, which wanted to attached its cables to an apartment building);*
- c) *where the regulation imposes burdens or costs on the landowner that do not bear a "reasonable relationship" to the impacts of the project on the community;*
- d) *and where government can equally accomplish a valid public purpose through regulation or through a requirement of dedicating property, government should use the less intrusive regulation, for example, prohibiting development in a floodplain property"*
(American Planning Association, 1995).

In relation to a PUR scenario, it is important to be conscientious of "takings" issues and regulatory scripture. Fundamentally, the policy exists to encourage and ensure fundamental fairness amongst people. There is additional reinforcement that principles against trespass that have evolved from the common law and are reiterated by the Fifth Amendment. Thirdly, the language mandates that a community should engage in good planning practices and then adopt regulations that use said plan to appropriately lessen the difference between burdens and benefits of land development.

Public Redevelopment (2004)

It is undeniable that the direction of the American Planning Association's efforts is focused on growth in the nation's central cities, urbanized areas, inner suburbs, and other areas; however, it can also be proven the American Planning Association is continuously discovering new redirections towards optimal outcomes and creative redevelopment programs provide critical tools for accomplishing this goal. The purpose of public redevelopment, and this policy guide, is to inaugurate policies to increase the usefulness of planners and processes to reform current practice.

As imagined, this policy guide is most comparable to the creation of a PUR scenario as its motive coincides with that of a PUR.

Within the policy guide, major findings include: a general recommendation towards legislative bodies to appoint governing boards as redevelopment agencies; encouragement towards states and American Planning Chapters to understand the redevelopment process; effective organization of redevelopment and economic development functions so that responsibility of long-range planning is linked to other facets of development in the community (American Planning Association, 2004). With governing boards acting as redevelopment agencies, the same board responsible for approving both comprehensive plan decisions are, in turn, liable for initiating redevelopment decisions. With each recommendation in mind, the American Planning Association encourages linkage to “planning, housing, and community development activities as part of a coordinated and multi-functional approach” (American Planning Association, 2004).

Of all findings, most significantly, the American Planning Association believes that its governing body and Chapters, as well as planners, should recognize and implement redevelopment strategies to embrace productive growth. Some recommendations from the policy guide include: “conserve land resources by attracting new development to infill and brownfield sites rather than converting raw agricultural or undeveloped acreage; take advantage of existing infrastructure rather than requiring the construction of expensive new infrastructure; reuse existing resources; recycle materials and structures” (American Planning Association, 2004).

Along with these statements, other declarations include conservation methods, restorative practice, and encirclement of sustainable principles in community planning. In comparison to a PUR scenario, it is critical that a governing leader initiate action and then impose it onto other local stakeholders to transfer responsibility onto the public. While doing this, it is also relevant that the American Planning Association believes in redirected redevelopment so that infrastructure is improved onto rather than replaced.

IV. Methodology

Within this section, all compiled Honors Undergraduate Fellowship research, in the form of various interviews with practicing developers, is summarized and presented as supporting material. By asking each interviewee questions relating to community development, mixed use development, PUDs, low income markets, responses within this section can be compared and contrasted.

All statements are posed chronologically according to the context and natural conversation of the interview. This analysis will then provide a basis for PUR ordinance recommendations in the “Appreciations & Findings” section. Additional summaries and lessons learned will arise in the “Implications” section, with further research questions to be defined.

INTERVIEWEE: CHRIS PALLADINO

Chris Palladino, Special Assistant to the Vice President of Business Affairs and Adjunct Faculty/Instructor for the Department of Urban Planning at Ball State University, was interviewed in person on February 23rd at 9:30 AM. Palladino, former Director of Neighborhood Development and Finance for Mansur Real Estate Services, provided context on a range of topics from development challenges/ successes to public and private partnership roles. Additionally, Palladino provided several antidotes on a former project, Fall Creek Place, and the role of the developer and community member.

Mentioned in the “Literature Review” section, and reiterated by Palladino, Fall Creek Place (FCP) neighborhood in Indianapolis was a product of partnership between Mansur, the local government, CDC, and property owners. From “dodge city” to an affluent mix of new construction and renovation of existing structures, to develop market rate and low income housing, FCP has truly transformed. Palladino describes the process of cooperating alongside existing property owners and their requests, more so, stating, “the best roles are well-defined” between all parties. Another facet to FCP was its operation as an overlay district with deed covenants on property ownership, regulatory rules, and affordability over a 5-year period (Palladino, 2017).

In simpler terms, FCP was granted National Housing and Urban Development (HUD) subsidies under Community Development because 51% of the land development was aimed towards low income families and housing, whereas the remaining 49% was market rate. With fast appreciation in property values over time, Mansur ensured that low income residents were liable for living in the district for a minimum of 5 years, or otherwise only able to resell their residence to another low income family at a fair value. Within the development, Palladino expressed that the neighborhood association was responsible for maintenance of common places, such as a park, through regulatory dues per month (Palladino, 2017).

The structure and vision of FCP was as a “live-work” environment for its residents. Palladino explains that the organization of the development was an urban equivalent to a PUD and promoted both new construction and partial renovation of existing structures. Design guidelines supported various setbacks, height and bulk ratios, and other use ordinances. Even further, the hours of operation for commercial sites were regulated so that community members would be encouraged

to engage in the retail settings later. Palladino also mentions that within the development, big-box trucks were restricted from entry and forced to re-route from the traditional path. To conclude, Palladino cites, “Successful ordinance rely less on land uses but rather on form” (Palladino, 2017).

After concluding the structure of FCP and its overlay properties, Palladino continued on with prescribing the perceived and actual challenges in development, as foreseen and experienced throughout his extensive career. As told by Palladino, some of the most prominent challenges within early stages of cohesive development and public involvement revolve around capacity and education. There must be a willingness on the side of the developer, in a developer partnership, to cooperate with the public or to what extent suggestions are considered. Most often private development operates best when in control of the situation to the greatest extent possible.

Palladino expressed two distinctive opinions, as a developer, about the level of hesitations involved and the inclinations toward partnerships. First, as a developer, there is hesitation with risk factors, such as the possibility of a group of residents overturning a project, however, substantial reward that comes from greater risk. Most often, the ideal circumstance for a developer is within a highly-regulated and monitored area. With actual enforced codes and procedures, rules are followed strictly.

Secondly, Palladino stated that developers are inclined to gain approval from the community for a project, however, only take a certain number of recommendations into account. To balance hesitation towards risk and community opinion, Palladino suggested that partnerships with a

Community Development Corporation (CDC) be considered to help serve as a middle man to help facilitate land acquisition and bargain additional capital involved. The CDC, in Palladino's experience, has assisted in rehabilitation standards, design regulation, and profitability in rehabilitation (Palladino, 2017).

In the grand scheme of things, developers are wary of community outreach and to what extent outreach is appropriate and welcome, as to not jeopardize the timeline of a project. While both a developer and a planner, Palladino is afforded the opportunity to wear multiple professional "hats" and can transfer his skillsets from one scope to the next. With public outreach, he suggests that there is pre-existing lacking in knowledge, development, and an overwhelming amount of legal obstacles that are presented to the public. Above all, these challenges are addressed best through partnerships and outreach, however, with notice of well-defined roles of each party.

Palladino referenced the Chatham Arch Neighborhood in Indianapolis – a quaint getaway from the big city and predominately single-family housing. While development trends are advancing towards multi-family units and higher density with mixed retail spaces, the residents of Chatham refused any sort of zoning that defied single-family, even though property values and attraction would skyrocket with advancements made. The market and tax base so much so called for new types of development and zoning that, at one point, Chatham Arch could not refuse and settled with proceeding changes (Palladino, 2017).

The role of the city planner, in this situation and others, is best modeled as a proactive person and responsible for relaying educational standards of job and housing market trends, tax bases, and economic efficiency through outreach. While community outreach and education are some of the main tasks as a city planner, developers, on the other hand, are not constricted to advocating for and alongside the community. In turn, community members are not held responsible to agreeing and understanding the efforts of planners and developers. Palladino agrees that people, at the end of the day, are rationale and self-minded, whereby one may not think long term or in the mindset of others.

Alongside work with FCP, Palladino also has a substantial amount of experience in drafting and recommending various overlay ordinances as form based codes. In other terms, Palladino has written several “laws” to amend current zoning and promote form and flexible design and use. For example, in the Village Promenade Development in Muncie, IN, Palladino specifically rendered an overlay alongside a form based code for ordinance purposes. The community input aspect of this project was fairly informal and involved extensive engagement of the planning staff to be in charge of facilitation and project introduction. The plan commission and city were involved most when public infrastructure improvements were to be had, such as an updated sewer or storm water system.

In reference and support of aforementioned responsibilities of city planners, Palladino then proceeded to identify additional key roles of planners. This frame of reference proves valuable for this thesis to benefit both my professional career and life as a city planner. First, a city planner must be an “expert” or knowledgeable reference to advise the public on appropriate development,

economic, and market actions. Not even in a perfect world will no resident collective agree amongst one another completely. For this reason alone, Palladino suggests that a PUR's expected attribute of collaboration amongst residents will be tricky, however, can be more possible if, first, a city planner carries the responsibility of educating the public in a proactive, rather than reactive, way.

Palladino, secondly, explains the gap existing between city planners and neighborhood advocacy. Whereby, residents lack adequate understanding or participation in development or by residents are fueled with false knowledge and high amounts of resentment towards development. It is the duty of the planner to be educating and addressing issues to people in plain English to tell them about what is going on in the contexts of, for example: why it is important to have mixed use; why development is happening; what the development will do for the community; how each person may or may not be affected. This process of education and pro-activeness lessens disagreements of developers and planners, while mediating the involvement of the public and still promoting neighborhood efficacy.

In conclusion, Palladino provide great insight of both his former practice and current opinion and advise to the future of city planning. There are 5 main ideas presented by Palladino as concluding statements. First, as an instructor, Palladino believes there may be tension between academic theory and current practice so he continuously strives to disseminate the difference between the two. While ideas and projects may sound reasonable in the classroom, they may be unfit or impractical in practice.

Second, as a former planner, Palladino suggests the perfect partnership to be between proactive, educated existing residents, a strong planning community, and developers with well-defined roles, in order to have success in the future of development. Third, it must be recognized that private developers value the integrity of rules and regulations, so that the public has little basis to overturn an entire project. Fourth, every project process has trade-offs so it is inefficient to harp on numerous ways to do something versus timeliness. Fifth, the best development projects are attractive because of job opportunities and proper education systems, so because of these things, developers may be more or less inclined to work in certain areas (Palladino, 2017).

INTERVIEWEE: JAKE DEITRICH

Jake Dietrich, Director of Development at Milhaus in Indianapolis, was interviewed in person on March 16th at 4:00 PM. Dietrich, former Ball State University student, provided context ranging from current and previous project developments, low income development, PUD experience and advice for a PUR scenario.

Dietrich begins to explain that Indianapolis is a “Tier 2” city, whereby mixed use scenarios are seen in a combination of two uses, versus cities like New York where there may be four to five uses. Mixed uses are typically arranged vertically rather than horizontally. The utilization of mixed uses thrives in sub-markets, where there is mass areas, established commercial settings, and a market for rental units. People are rational, self-interested, and think on the margin so they tend to flock to investment.

Dietrich describes the Milhaus environment, headquartered in Indianapolis, to be committed to mixed use development and multi-family uses to create solutions for neighborhoods that impact communities. Each development associate is driven by expertise in real estate, investment, development, construction and management. Dietrich, himself, oversees development projects and site stabilization (Dietrich, 2017).

Milhaus operates with positive pro forma on investment in mind so projects are typically risk-adverse and do not tend to exist in low-income. The company serves two distinctive interests: investors and customers. Where there is no market, Dietrich explains that there is likely no reasonable return. Developers are impatient and less inclined to wait. Risk in project completion and timeliness is greater when developers wait to accept the opinions of others.

Dietrich first introduces us to several ongoing and previous projects, in which two stand out as relative to this thesis. The first, Milhaus Northside in Cincinnati, is set on a Myron Johnson lumbar yard, relatively 3 acres, and is in partnership with a local steering committee of 8 reliable leaders. Dietrich identified that the idea of arranging and designating a steering committee has proved successful because said committee acts as education advisors, mediators, and representatives of the public without the involvement of the masses. Additionally, all steering committee members are well-versed in various aspects of planning and can speak to the purpose of development. Morally, Dietrich exemplifies the good-doing in including the public, however, does note that everything in the process tends to take much, much longer.

The project, expansive as it consists of 131 (and later, expansion to 260) new apartments, relies on the participation and advisory of steering committee members to dissect and disregard non-appropriate concerns of the greater, collective group of residents. Dietrich notes that, in this project, success would not be as far along as it is today without the functionality of the core group of steering members. While expensive, as Dietrich is paying attorneys, architects, and landscape architects to attend every meeting, the process would have been much longer had Dietrich not involved a core group of people to relay community perspective and vice versa (Dietrich, 2017).

In Dietrich's second example of community engagement and wrongdoings, Chatham Arch Neighborhood, the area is within the Meridian-Kessler area and the site for development rests at a prominent intersection. The project consists of 8000 s.f. of retail and 99 apartment units. A variance also existed that allowed for the building to rise as much as 50 feet.

Within the neighborhood, Dietrich exclaims that only 2 residents had outwardly expressed their distaste and disapproval for the project. While the board may have approved the project, unfortunately, the 2 residents were equipped with too much time and money on their hands and expressed that they would sue the city for neglecting of the character. Milhaus, as Dietrich explains, has already purchase the land and now has to undergo numerous court days and legal fees all while continuously paying taxes for the land.

Apart from one successful and one downfall in community cooperation, Dietrich then continues to explain his involvement and exposure to a very successful PUD project. Entitled “Pinex”, the development consisted of a 1.25-acre lot, with a proposed 77-unit apartment building to be supported by the local market, however, the underlying zoning was unfit to entail a 77-unit building be built on such a small lot. While there had been no initial disapproval to the project, Dietrich still explains that he had arranged community meetings to initiate conversation and be sure that the residents knew what was to change. Fortunately, there was no opposition and everyone, as he exclaims, felt that the proposal was appropriate for the neighborhood and beyond the parameters of a specific district, anyways. As a PUD, Dietrich describes the relief in the destruction of “cookie cutter” mantras and expression in architecture that adapts to the area and is free from zoning restriction (Dietrich, 2017).

As a fourth example of development, Dietrich delves into the realm of “adaptive reuse” and a recent example completed on Mass Avenue. The Circa apartments consist of 265 units, within the Chatham Arch Neighborhood, and sit on 3 acres. On the entire 3 acres, prior to constructing Circa, Milhaus designated one pre-existing building to be valuable or stable enough to preserve. Located directly in the middle of the site, the building had harbored a sense of order and purpose on the site, so Milhaus chose to save and preserve the 12,000 s.f. building.

From doing this, Dietrich explained that three specific things happened: (1) people noticed and recognized the building so were then more drawn to the site, (2) there is immediate value, specially, from the building being there and as a central office, (3) the existing structure saved money and

time. All of these reasons are paralleled to the predictions of a PUR and conversation continued to lead into advice and recommendations for redevelopment.

The best advice to a PUR – redevelopment onto existing properties and community cooperation and partnership throughout the process – Dietrich states that leverage for such a scenario would be possible if, per say, zoning could be foresighted enough to align with neighborhood incentives. Also advised, is to think beyond factors that solely are affected by zoning, such as low education on markets trends, housing, or development, in general. Leverage could happen faster within Indianapolis if there was a better transit system, in Dietrich's opinion.

In a separate economics class, I was introduced the idea of stated preferences as a clear method to directly analyze a community's willingness to pay or accept something through use of choice experiments and surveys, both questioning the participant's preferences (Thomas, 2017). The greatest problem with the route of stated preferences is that with a 'hypothetical' question, comes a hypothetical answer. For this reason, *reveled preference* methods are preferred. In the case of revealed preferences, an economist like myself, would demonstrate the different values in hedonic housing associated with the development of a recreational fishing site. Hedonic housing amounts represent a calculation of the monetary value of locational resources in housing (i.e. the value in being located closer to a park versus a restaurant). All of this was expressed to Dietrich and we began to formulate a conversation about the personas and other factors that either guide or affect people's acceptance.

In conclusion, Dietrich sums up his advice by listing four other turning points in development and its success, specifically a PUR: dependencies may exist for people and entail that they are inefficient on their own; if certain levels of service are not being met currently, it will be challenging to incentivize someone else to live within the neighborhood anyways; there are other factors that help create markets that are beyond zoning, such as adult education night classes at a community center to promote education and trade jobs; and, lastly, to what level of influence can be predicted to be had on the people involved. Dietrich concluded the interview by continuing these points in greater detail through conversation of community ethics and effects with redevelopment.

INTERVIEWEE: DAVID LEAZENBY

David Leazenby, Vice president of Land Acquisition at Onyx+East and Principal for Leazenby Development, was interviewed via telephone on March 13th at 4:30 PM. As a former Milhaus Developer/ Co-founder, Vice President of Development at Buckingham Companies, and Director of Land Planning at Beazer Homes, all while being a Ball State BUPD graduate, Leazenby serves as a valuable resource to understanding land planning and development.

To start, Leazenby responds to PUD scenarios and the perceived benefits versus downfalls. Applied in urban areas, the intent of a PUD is crafted so that cities and developers do not have to put up with current ordinances or other land complications. As a method for affordable housing arrangement, PUDs tackle large areas of land, usually, and consist of tearing down existing structures. Leazenby mentions that he is currently working on an approved PUD project that

involves tearing down 3 or 4 existing buildings; however, he is working to save one building and converts it use to office. In all, redevelopment, whether prominent or partial, reflects many different stakeholders as money is being invested in the current state of structures, rather than desirable, new buildings (Leazenby, 2017).

In order for PUDs to be successful, Leazenby exclaims that there must be incentives for developments and flexibility in design and regulation; however, advanced as is, he suggests that greater advancement of a prospering systems may not be feasible. Additionally, Leazenby is fearful of generous attention to residents in giving them a stronger voice on development. He notes that dedication to development is one thing, however, vastly different from inviting neighbors into the process of development and existing as partners; however, in the form of a collective, Leazenby notes that a neighborhood association could stand to represent the overall vision and motive of the public, while enabling that proper land capital be transferred to a developer for redevelopment.

To give additional context, Leazenby continues on by restating his credentials and background experiences. He has roughly 15 years of experience in PUD scenarios and NIMBY ("Not in my backyard" - a coined term for residents that refuse development) scenarios, which entails Leazenby to be well-versed within the scope of PUDs and public cooperation. Transitioning into his opinion of PUDs, he expressed concern, over the years, of lost stability and arisen arguments between the public. PUDs can be lengthy, as community cooperation is included sometimes, and expensive with risk and investment; however, these challenges arise even when a PUD is not in play, but rather when residential is rezoned to industrial and the community uproars (Leazenby, 2017).

Leazenby offers several remedies to NIMBY and PUD complications. By having less public involvement, specified roles of people involved, and more defined PUD ordinances, development will operate more efficiently. Zoning, highly political and regulatory, is not a “one size fits all” situation and therefore is needed and avoided in different areas. While Leazenby continues to introduce problems and success with PUDs, he also comments that a PUR scenario, for all the reasons why zoning is not uniform, could be very successful in some states versus others, such as New York versus Ohio. The comparison is density and population, market, economic increases and trends being adaptive enough to support development.

Notably, Leazenby suggests that the best overall remedy to lagging trends in development can be resolved by rewrite entire comprehensive plans over ordinances; however, this is costly with money and time and tends to not happen as efficient as it should so cities defer to 30+ year old comprehensive plans to reign the land. A partial remedy to this complication is then a PUD, because a PUD does not follow underlying zoning designations.

To give a short background, in nearly every city, there tends to exist a comprehensive planning process – which determines community goals and aspirations in terms of community development. A product of the process is a unified comprehensive plan, which promotes and determines public policy in terms of transportation, utilities, land use, recreation, and housing. A zoning ordinance it is a law that is made to uphold a comprehensive plan and specifies land uses, such as: residential, commercial, etc., and may regulate structure size, placement, or height. A key difference between

a comprehensive plan and the zoning ordinance is timing. The comprehensive plan is intended to show the future use of land at some point during the planning period, which could project as far ahead as 20 years or more.

Leazenby implies that progressive cities will be the ones to head start revisions because they have a strong incentive to do this: less restriction, greater development, more adaptive uses to the area. Additionally, progressive cities are inept to understanding the challenges that come from improper development, whereas smaller or less innovative cities are less inclined to defer from what is working already – as in substantial land clearing. Ironically, Leazenby concludes by stating that PUDs are most useful in places that do not have a lot of development as-is because in developed places, the responsibility of rewriting is heavy and undesirable. For this reason, he suggests that PURs could rival the process and transfer responsibility from developer to resident nicely.

INTERVIEWEE: PETER LEVAVI

Peter Levavi, the Senior Vice President at Brinshore Development, was interviewed via telephone on March 15th at 9:00 AM. Having attended Harvard for both a JD in Law and MPP in Planning, Levavi provided an extensive analysis on public involvement, PUD successes, and non-profit partnerships that could rejuvenate a PUR scenario.

To start, Levavi opposed any sort of partnership of residents and private developers. With a lack in education and development procedures, he predicted the process to be less focused on the project

and more on individual desires and NIMBY situations; however, there is potential in the formation of residents into a non-profit and then partnering. The greatest incentive for a developer or any sort of investor would then be that, as Levavi states, “the table is set” and all land is ready to go and people are on board. With an active and collective group, there is already a vision to be implemented and, thus, half the work of the developer or city planner to organize the community if done. If operating in low income areas, Levavi suggests that the area be adjacent to more prosperous cities and funding be aligned with subsidies.

Secondly, Levavi then expresses the values of PUD development already without additional PUR designations. Above all, he expresses that partnerships are what drive the development and the design phases, which enable people to have greater flexibility and reason within collaborative development. Additionally, several goals can be met without adhering to existing zoning, such as water detention systems and mixed income environments. Collaborative and cooperative, all parties involved tend to be incentivized enough throughout the entire process.

By being located in Chicago, Levavi is immersed in a different environment than that of the Indianapolis-based developers. Also having had experienced work with non-profits and seen the outcomes, Levavi can speak of the value and support that a group can provide within disinvestment neighborhood revitalization. Additionally, he introduces the idea of “Quality of Life” plans that exist as template for various visions (i.e. health care, education, affordable housing) and can be transferred from one area of disinvestment to the next. Besides from telling a good story, these plans help to stray from capitalist ego-centralisms and revert to socialist enclaves. Most plans are in partnership with the housing authority and request large amounts of funding. Levavi concludes

by suggesting that a PUR dissolve specific ideas of accomplishing its mission through specified ordinance prescriptions, but rather recommendations to align to overall visions for a city (Levavi, 2017).

Overall, Levavi reinstates that developers are the planners and citizens are the reactors. In his experience, Levavi can strongly say that city planners are mediators and developers are the actionable planners. Developers are actionable and proactive in implementation and cooperation amongst people. The strongest underlying factories that lead to success are the program types, location, and support system, whether defined as a partnership between the public and private sector or not.

V. Case Studies Digest

In practice, there is little to no exact practice of a PUR scenario in existence; however, there are five distinct projects that compare to the anticipated goals, successes, and downfalls of a PUR. The projects are located all over: Indiana, Minnesota, Nebraska, etc. These projects will act as case studies for PUR guidelines. Within this section, each case study will be compared, contrasted, and digested amongst one another. By analyzing written “case studies” of similar language to that of PUR, a creative appreciation can be formed to summarize a recommended development approach later on.

Fall Creek Place

In the 1980s, the Fall Creek neighborhood, in Indianapolis, began decaying quickly: city blocks were abandoned, population dropped, investment ceased. Nicknamed “Dodge City” for the inevitable reason that people “dodged” visiting or living in it, surprising, it took nearly twenty years for the city decided to take action. In 2001, redevelopment efforts commenced as people began to envision how to tackle developing a mixed-income neighborhood. By location, the neighborhood is located within the boundaries of Meridian Street to the west, Fall Creek Parkway to the north, College Avenue on the east, and 22nd Street to the south (Fall Creek Place Homeowners Association, 2015).

The U.S. Department of Housing and Urban Development awarded the city \$4 million as a HUD Homeownership Zone Award grant to stimulate public and private investment in the discounted area. Additionally, the National League of Cities awarded Fall Creek Place with the Outstanding

Planning Award for "Implementing Smart Growth." This national and state attention towards Fall Creek Place spurred both investment and interest in revitalization projects.

Abandoned homes and lots, dilapidated infrastructure, vacant buildings would soon be acquired by a joint venture agreement between the City of Indianapolis and King Park Area Development Corporation, with support from the Historic Landmarks Foundation of Indiana. Additionally, Fall Creek Place development is managed by Mansur Real Estate Services.

Within Fall Creek Place, there were 357 homes that would be demolished and rebuilt, while 73 would be kept and added onto. What was especially successful about Fall Creek Place is that 51% of the newly-constructed homes were made affordable for low and moderate income households, while the remaining 49% were offered as market rate housing to spur investment in the area (Fall Creek Place Homeowners Association, 2015). The effort to provide for low and moderate income families exists because buyers in the area earned at or below 80% of Indianapolis's median income.

Since more than half of the homes in Fall Creek Place were sold as "affordable homes" to low income families, the total project received a fair amount of bottom 40% income housing grants and awards. In turn, this meant that developers received grant money, along with hefty investment returns in the other market rate houses. Homes in Fall Creek Place have sold for as low as \$94,000 to as high as \$400,000. This kind of range truly represents the market and investment of a mixed-income neighborhood. In sum, at the completion of the three phase

development, home sales would exceed \$60 million with \$1.2 million would be added to the local tax base.

With a market rate study indicating that, with aggressive advertising, the development could yield about 45 home sales a year, the development steadily grew attraction and interest. Also, it was anticipated that the total new household income would approach \$20 million. Since 49% of the homes were market rate, the value of designated “affordable housing” properties increased rapidly and could be resold for twice their purchasing cost, which enabled low income families to have a viable real estate investment. Over 4.5 years, property appreciation was 15% annually, or per annum, for market rate housing and unit prices rose from \$92/s.f. to \$155/s.f. With market rate housing appreciating, subsidized, low income housing inevitably rose in a similar trend because of its location dispersed amongst market rate prices. Eventually, Fall Creek Place doubled its estimates and is progressing towards expanding eastward to develop 110 additional homes in Phase IV.

Today, Fall Creek remains one of the biggest and greatest revitalization projects in Indianapolis. Fall Creek Place has won four national awards for excellence in planning, design and community development, and has been featured in eight national magazines. The city is much greener than ever anticipated. With a \$15 million investment in public infrastructure improvements, the city could boast new sidewalks, streets, alleyways, lighting, and vegetation.

If this was not enough, visitors could venture to one of the three parks in the neighborhood or travel to the greenway, the infamous Monon Trail, along Fall Creek Parkway. In terms of connectivity and transportation to the Indianapolis hub, Fall Creek Place is located just 5 to 10 minutes from destinations like Mass Ave, Methodist hospital, IUPUI, or Castleton Mall. IndyGo bus routes are also very close to Fall Creek Place and provide access to public transportation (Fall Creek Place Homeowners Association, 2015).

Conservation District Minnesota

The focus of a Conservation District Minnesota plan is to sustainably include multigenerational initiatives on protected land. This case study is more of a digest onto a subdivision draft that exists in Minnesota. A so called, “conservation subdivision”, must be included in a community’s overall vision or plan and must involve unified development of infrastructure and landscape. The practice of a subdivision like this is to allow communities to capture opportunities within development, while limiting risk to natural and economic resources (Minnesota Pollution Control Agency , 2008).

In most instances, a conservation subdivision includes permission of landowners to cluster individual parcels to develop collectively. This action allows for smaller, unrecognized parcels to be included into the plan, with regard to open space ratios, agricultural needs, environmental hazards, or other sensitive resources.

The choice of deciding where and what to develop, and also what may or may not be allowed, is encouraged to follow current zone districts and envision the plan as a whole, rather than in parts. The goal of the subdivision, in all, is to be located and designed to meet conservation goals, while enabling collective development and minimizing conflict of land deterioration, noise pollution, or etc.

Infill and Redevelopment Guidelines in Omaha, Nebraska

The “Infill and Redevelopment Guidelines” for Omaha, Nebraska are, essentially, a cumulative set of instructions to follow when considering the Nebraska-version of a Planned Unit Redevelopment scenario. Of all the case studies, this was the most definitive in terms of focus towards redevelopment; however, there are still significant differences between these guidelines and the ones proposed in this thesis. The guide suggests applying these recommendations alongside the Planned Unit Redevelopment (PUR) zoning overlay (sect. 55-596 OMC) to achieve residential capacities (Moulton, 2016).

The PUR overlay is intended to spur redevelopment and influence property owners to renovate existing infrastructure. What is unique about the overlay is that there is the connotation that flexibility in design standards exists and will encourage people to commence the process more quickly. While still in compliance to compatibility standards with the surrounding neighborhood, the overlay acts as a tool for flexible-recommendations to relieve site constraints.

The guide boasts compatible development and states that this is best achieved when understanding the character and quality of place, followed by context for redevelopment. Basically, the guide acts as a “how to” set of rules for redevelopment within a PUR overlay district. What is interesting to note is that the overlay presents no specific setbacks, design standards, or zoning amendments. On the other hand, it is strongly encouraged that residents take into consideration more generalized aspects of scale, orientation, frontage, parking or public facilities, street trees and street design. Unlike the goals of this thesis, these guidelines assume that residents should follow current zoning recommendations, while existing in an overlay district that suggests redevelopment to occur, to which compliments the surrounding area.

Statement of Facts

To compare to a PUR situation, each case study must be digested down to the point of basic expression of approach, success, downfall, and effectiveness of each. It is important to compare the case studies, unanimously, so that comparative differences and similarities are noticeable and relatable. Overall, each case study approached regulation, design, use, etc., differently and, therefore, demanded certain levels of development.

With the case of Fall Creek Place, the operation was a joint venture agreement which led way to collaborative planning between all partners: residents, Mansur Development, city, and CDC. The development also boasted effectiveness in distinctive roles between all partners involved. Along the way, existing residents posed a complicated NIMBY issue, however, were swayed with

property value appreciations and revised infrastructure. In sum, the development was a very successful subdivision plan that remains acclaimed and desirable today.

In both the downtown and conservation district plans for Minnesota, development was focused on environmental resources and boasted deliberate design. Both plans encouraged a similar set of guidelines to define separate goals and obstacles to eventually achieve. While no “real life” scenario was identified, it can be assumed that the set of guidelines are innovative enough into the current language of development.

For Nebraska, language of “infill” and “redevelopment” seemed to be very similar to the intentions of a PUR. Within a set of specific guidelines, the Omaha example was created to resolve infill demands and revive the market. The greatest strengths of the plan were flexible was almost assured and the tool would act as an overlay plan to current zoning. Challenges foreseen would be within neighborhood outreach and partnerships between locals and developers.

VI. Appreciations & Findings

Within this section, conclusions of both the literature review, methodology, and case studies will be applied and summarized into a model ordinance. The literature review entails written work of redevelopment standards and scenarios and the cases studies section compiles several relevant redevelopment projects and land acquisition for the project site. On the other hand, the methodology section summarizes my role as an interviewer of practicing developers and their experiences with redevelopment.

In response to the methodology section, several of the interviews altered my approach to a PUR. While a PUR's intention is through land use delegation and ordinance creation, real problems with development, cooperation, and community partnerships exist because of a lack in education of development and planning. A PUR depends on stakeholder participation and partnerships, however, even this fundamental aspect is less prevalent in ongoing work and requires a lot of time, attention, and education in order to be successful. Interviewees concluded that new ordinances are very relevant and needed to amend outdated comprehensive plans, however, the real "crux" of the problem is that (a) communities are uneducated about market trends, economic development, land uses and, therefore, resilient to them, and (b) comprehensive plans must be re-written at some point.

To disagree with interviewees, even though challenges exist, a PUR approach essentially continues [1] saves on acquisition and redevelopments costs, and [2] engages property owners in the marketing of your land uses in its intentions, in some aspects, versus becoming another ordinance

to sit on a shelf. From these conclusions, and more, the approach towards a PUR ordinance changed. Provided below are recommendations, not prescriptions. Recommendations set the framework for a PUR, but also infer that education must be supplemented by a city planner or municipality to develop such a schema.

By combing three different methods of research, I will be able to summarize and correlate my findings into a template of recommendations for a model PUR ordinance. After drafting an ordinance, my conclusions will be carried into the Implications section to be compared, contrasted, and further digested into: success, failures, missing research, etc. This process will be able to determine if the material within this thesis is substantial enough to account for a zoning ordinance or remnants of creative theory.

Zoning Ordinance Contents

Typically zoning ordinances contain two elements: text and maps. The former, a graphic element to support the latter, if needed. Both are equally important and should be developed and thought-out carefully. Within this exercise, I will not be creating a map, however, simple visual graphics will be attached in later sections to explain a PUR graphically.

To understand the importance of a zoning map, clarity is of utmost importance in a map so that staff and citizens can legibly decipher classifications of land uses. Zoning maps can be drawn over auditor's plat maps or even base maps of the community. Clear features like, streets, property lines, and zoning boundaries should be used.

Visually, maps will be able to showcase different zoning districts so that the community can easily identify the placement of land uses. Each district will inherit a color or hatched pattern. Colors typically follow the schema introduced by urban planners, in which: yellow and orange for residential; red for commercial; purple for industrial; green for recreation or agriculture. Generally, density will correlate to the pigment of the color. Denser areas are represented with darker shades and lesser dense areas are represented with lighter shades. Planners will often utilize Geographic Information Systems (GIS) for preparing, making, and showcasing zoning maps to a community (Porter & Bergman).

While a visual is important, the text of a zoning ordinance is much different and uniquely highlights the decision making of a community's land uses. No two ordinances are the exact same as no two communities are the exact same. Most often, goals and objectives are specific to a community and thus produced a plan unique to a community and its future endeavors. Also, communities represent different acceptances of various land use regulations. For example, Greensburg, a small town in Indiana, will review its land use much differently than compared to Boston, a large city in Massachusetts. Ordinances will vary in detail and sophistication based on the geography of its implementation. Tools vary by importance from one community to the next.

With no planning experience or education, it is easy to see zoning as a complicated and restricted mess; however, in some cases, land use regulation does strive to be as simple as possible. A strong purpose of this thesis is that the formulation of the PUR directly engages the stakeholders

in the process of planning and land development controls by pre-requiring their cooperation in their neighborhood's redevelopment.

Just as maps are clear and uniformly designed, ordinances should be similar and specifically relate to the goals for future development of a community. This presents a major challenge when comprehensive plans, to which zoning ordinances support, are outdated and 25+ years old themselves. Although, it is challenging and tedious to update a comprehensive plan, communities should consider revision, at least, every 20 years to keep up with new market, economic, and environmental trends.

With an outdated comprehensive plan, zoning ordinances become more and more complex and creative to "work around" the rules and allow for zones like mixed uses, which may not be supported so easily. The following PUR model represents an overlay onto current zoning. An overlay serves as an additional layer of regulations onto land that is not zoned for mixed uses. The underlying zoning district does not change, however, the overlay serves as the land use.

Within Indiana, according to the Indiana Citizen Planner's Guide: Part 8 Zoning Ordinance, a common overlay district is a wellhead protection district and services to protect a water source (Porter & Bergman). Zoning districts underneath the overlay do not change, however, the overlay exists to add extra requirement and penalties to development on the land so that little to no extreme contamination occurs. If development were to occur, one would have to submit

documentation to a local utility company and be sure that contamination does not occur over time.

Simplicity and clarity is desired within ordinance, however, it is important to remember that ordinances are legal documents and the complexity of its language is critical to its validity and credibility. For this reason, I should also note that the following ordinance is prepared in a draft version and is to not be used as it stands, as I have no legal authority to implement its language, however, do recognize that its language and structure is similar and should be considered as exploratory.

Actual zoning districts, noted in the Indiana Citizen Planner's Guide: Part 8 Zoning Ordinance, of land uses are an important part of the language of the text. The PUR follows a single district as mixed-use, with a series of land uses allowed and at particular locations and conditions.

Displayed in the follow sections are guidelines, intentions, land uses, and design provisions for a PUR ordinance.

Creative PUR Ordinance

To reiterate, a comprehensive plan outlines the vision and mission of a community and a zoning ordinance defines rules and regulations to follow to uphold said vision. The Indiana Citizen Planner's Guide Part 8: Zoning Ordinance states that an ordinance should include: a purpose statement, definitions, administrative procedures, district use provisions, development standards, and a severability clause (Porter & Bergman).

Within this section, I have created, alongside my mentor and sponsorship as an Undergraduate Research Fellow in the Honors College, a proposed template for a PUR ordinance with recommendations. This template, and its language, shall serve as guidance for any municipality that may defer to its capabilities, however, is not a prescription to remedy a specific one economy. Please reference the latter site and subdivision graphics, referenced as a Dr. Bruce Frankel Studio presentation, as guiding principals.

DISTRICT INTENT

The purpose of the planned unit redevelopment (PUR) is to encourage a viable redevelopment strategy where specific parcels are earmarked for specific uses, contributing to the mixture of uses that abets reinvestment and community collaboration. Preservation of existing uses is foremost in order to promote its most appropriate use; to improve the design, character and quality of future developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to divert from single player gains and propose a co-operative agreement among owners; and to mitigate

the problems which may be presented by specific site conditions. On behalf of Dr. Frankel and his contribution to this Honors Thesis, he reinstates that that the intent of planned unit redevelopments is to offer the following advantages (Frankel, Honors Thesis Collaboration, 2016, 2017):

- a) Provide a planning process and plan document as bases for organizing a redevelopment area
- b) Mitigates or eliminates the prolonged and expensive process of land assembly for redevelopment, thus accelerating the redevelopment process
- c) Provides for judicial review a satisfactory substantive due process
- d) Accords limited [flexibility built-in] vested rights, adding value to properties
- e) Accords a practical basis for control, redevelopment actions and maintenance of common areas yielding no direct return on investment in the form of a Property Owners Association and by way of managing “wipeouts” through the reallocation of “windfalls.”
- f) Site control and redevelopment plan with stakeholder buy-in qualifies and advances applications for redevelopment assistance to governments, foundations, and private sector financiers
- g) Integrates planning with redevelopment, making for the “mother of all actionable plans [MOAAP].”

NEED FOR REDEVELOPMENT

The following are commonly accepted standard conditions in establishing Redevelopment Areas and in formulating a declaration of blight (Frankel, Unified Land Development & Property Standards Ordinance, 2008):

- a) Lack of development/ redevelopment as a market failure
- b) Stagnant or declining population and socio-economic factors in the subject area and/ or jurisdiction
- c) Aging, obsolete, deteriorating, or substandard stock of buildings

- d) Change in tenancy [e.g., from ownership to renting affecting investment and neighborhood stability, or fractionalized ownership that inhibits land assemblage for redevelopment]

GENERAL REGULATIONS

A. Permitted Uses.

- a. Business Services
- b. Entertainment
- c. Hospitality
- d. Light Industrial
- e. Multifamily Residential
- f. Recreation
- g. Retail

B. Use Definitions.

- a. Business Services
 - i. Services of business, [i.e. such as computer sales and repair, professional law or accounting services, concierge services]
- b. Entertainment
 - i. Visual or performing arts structures, facility to provide social programs and accessible to the public, accommodates large segments of the community
- c. Hospitality
 - i. Establishment that provides meals, service, or entertainment to the public for a fee, [i.e. such as hotels, full service operations, restaurants]
- d. Light Industrial
 - i. Manufacture sites that exist to prepare materials, finish products, and include fabrication, treatment, assembly, and packaging, a light industrial site produces little nuisance and environmental impacts
- e. Multifamily Residential
 - i. Building that contains fifteen or more dwelling units per acre, unrestricted by tenancy [i.e. condominiums or apartments]
- f. Recreation
 - i. Agrarian uses designed to support outdoor activities and other public events, [i.e. such as public parks, public and private facilities, commercial indoor and outdoor facilities]
- g. Retail
 - i. Any retail space that distributes and sells products, may be limited to a square footage allowance except in construction and sporting good businesses

C. Development Standards.

Within this section, please refer to the guiding principals below in the “Features of a PUR Ordinance” section and its graphic visuals (Figures 1, 2, 3, 4, 5). A Planned Unit Redevelopment (PUR) could be submitted similar to a Planned Unit Development (PUD). The difference is that a PUR takes place on existing infrastructure rather than on greenfield development (Hughes, Nowlin, & Rinehart, 2014). The PUR could then exist in various forms, as viewed in Figure 1 and in column and row readings. By mixing and matching several different styles of formulation, the PUR will be distinctive to a specific environment and economy.

The development standards of an ordinance typically determine and justify the character, form, bulk, etc. of development and are important to reflecting guiding standards. Several choices exist: high density or low density, setbacks or not, large or small lots, etc. Standards are specific to each individual community and thus rely on extensive research of existing comprehensive plan goals and standards, community acceptance, and market demands. Each aspect mentioned within the development standards section is then regulated throughout this ordinance.

In Figure 2 and 3, an example PUR sit subdivision plan is displayed, as presented by a Frankel Studio group, and identified with land use colors and shapes per various districts. Figure 4 continues to represent renderings from the studio presentation and show how the development may appear. This figure also continues to reiterate the idea that a PUR is not a grouping of singular, unconnected and distanced land uses, but a mosaic of property uses that can economically impact one another.

Figure 5 is the last graphic visual of an example PUR site subdivision plan and demonstrates proper phasing technic. As all interviewees aforementioned identified, development relies on phasing and comprises a total strategic plan to work block by block. The idea is that completion and success of one block will be able to fund or alleviate funds over a longer period of time to complete a vast array of development. For example, it would be foolish to build 10 apartment buildings at the same time. If the project is phased out, then 2 or 3 could be built at a time so that residents could move in while development was still happening. This achieves many goals because, now, rent payments can be transferred to ongoing development costs and the buildings do not stand vacant for the time it takes to build all of them, but rather is only vacant for the time it takes to build 2 or 3 buildings.

Features of a PUR Ordinance

As mentioned in the Introduction and PUDs sections, Daniel Mandelker⁷ led the way of planned unit development ordinances and has formulated a checklist of options for the PUD⁸. With relation to that of a PUR, these options, listed below in Figure 1 can be referenced or used to highlight the features of a PUR ordinance. Figure 1 was compiled and organized with the assistance of my mentor, Dr. Bruce Frankel.

⁷ *Planned Unit Developments*, APA, PAS #545, 2007

⁸ Indiana Code Title 36. Local Government IN CODE § 36-7-4-1505: (a) *A planned unit development is allowed only for real property zoned to be a planned unit development district.* (b) *A planned unit development district is established by the adoption of a PUD district ordinance.* (c) *Except as provided in section 1511 of this chapter, the legislative body shall adopt and amend a PUD district ordinance in the same manner as a zone map change that is initiated under section 602(c)(1)(B) of this chapter is adopted or amended. The legislative body may not adopt or amend a PUD district ordinance unless a zoning ordinance that meets the requirements of section 1506 of this chapter is in effect.*

Figure 1. Options in Formulating PUR Ordinance

A	Ordinance Options	Rationale
	By-Right <i>or</i>	Locality has established a set of redevelopment formats with confidence and more than a cursory review of conformance is unnecessary
	By-Review	Discretionary review by Plan Commission, BZA and local governing body, with prescribed roles, is required
B	Short-Form <i>or</i>	In absence of expected problems, maximize discretion of Plan Commission and BZA in development plan review; the property owners in some legal standing form pursue redevelopment plan review and entitlement
	Long-Form	A site/ re-subdivision plan is presented in the zoning ordinance particular to a geographic area
C	Concept Plan <i>and/ or</i>	Local governing body approves goals and general features of the PUR prior to formal redevelopment plan review
	GDP <i>and/ or</i>	A general redevelopment plan is presented in zoning depicting the general location and intensity of land uses
	Site/Re-Subdivision Development Plan	A detailed plan is incorporated into zoning, akin to a development plan but formulated by the public
D	Local Governing Body <i>or</i>	Local governing body's approval is required on any changes to the redevelopment plan
	Plan Commission <i>and/ or</i>	Plan Commission handles all approvals pursuant to the ordinance
	BZA	PUR is a conditional use or requires variances or special exceptions, requiring Board of Zoning Adjustment approval
E	Overlay Zone <i>or</i>	Underlying zone prevails and controls redevelopment plan, subject to modifications in that plan
	Base Zone <i>and/ or</i>	PRD replaces underlying zoning
	Conditional Zoning	Local governing body prescribes detailed conditions regulating redevelopment
F	Method of Owner Compensation Prescribed <i>or</i>	Ordinance prescribes one or more methods of compensating land owners for the rezoning that results in winners and losers in property valuations, and especially in cases of windfalls and wipeouts
	Method of Owner Compensation Deferred	Ordinance defers to future legislation on differential valuation consequences of rezoning or prescribes conditions and options to be followed in future legislation

**Of note is that enabling zoning state statutes do not limit the detail of zoning districts, which could embrace detailed site and subdivision plans, and pass the judicial test of spot zoning. (Frankel, Honors Thesis Collaboration, 2016, 2017).*

Figure 2: Site Subdivision Plan

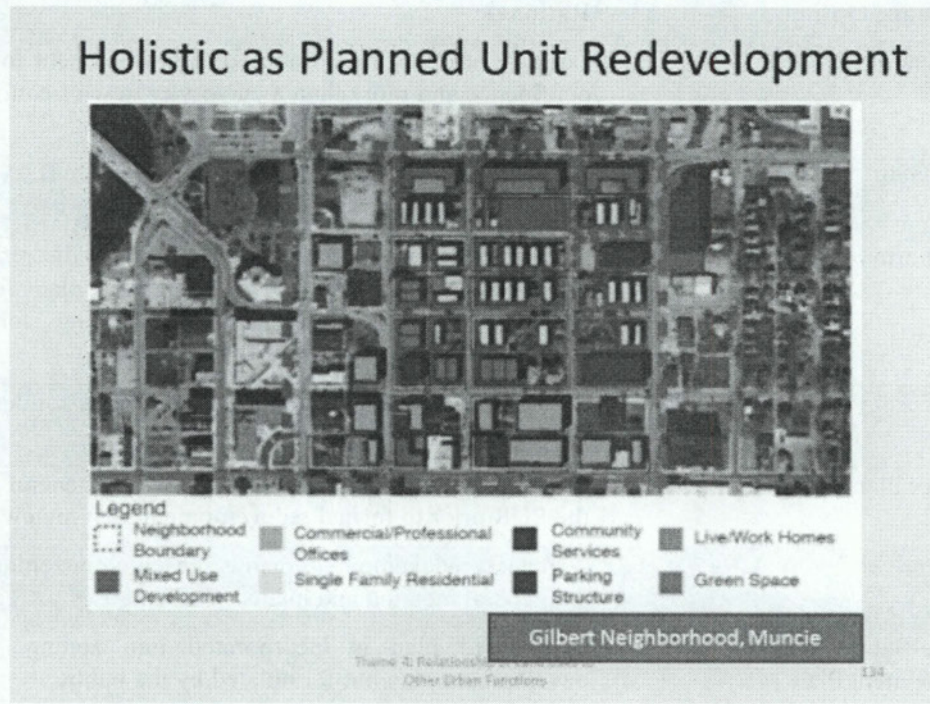


Figure 3: Bird's Eye View of Plan

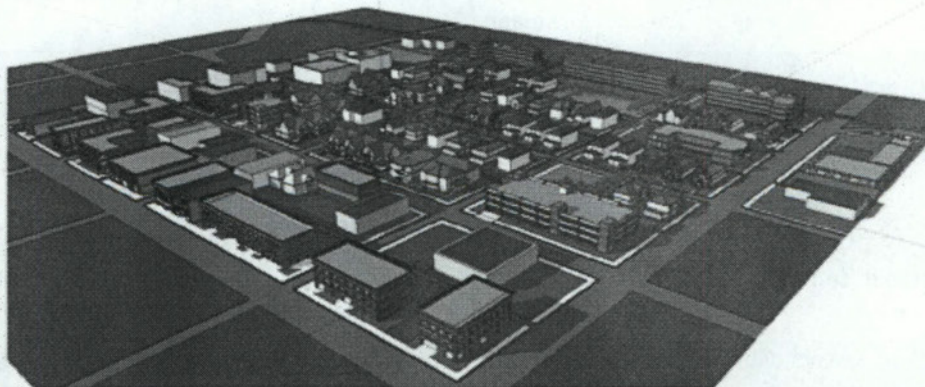


Figure 4: Aspirations of a PUR

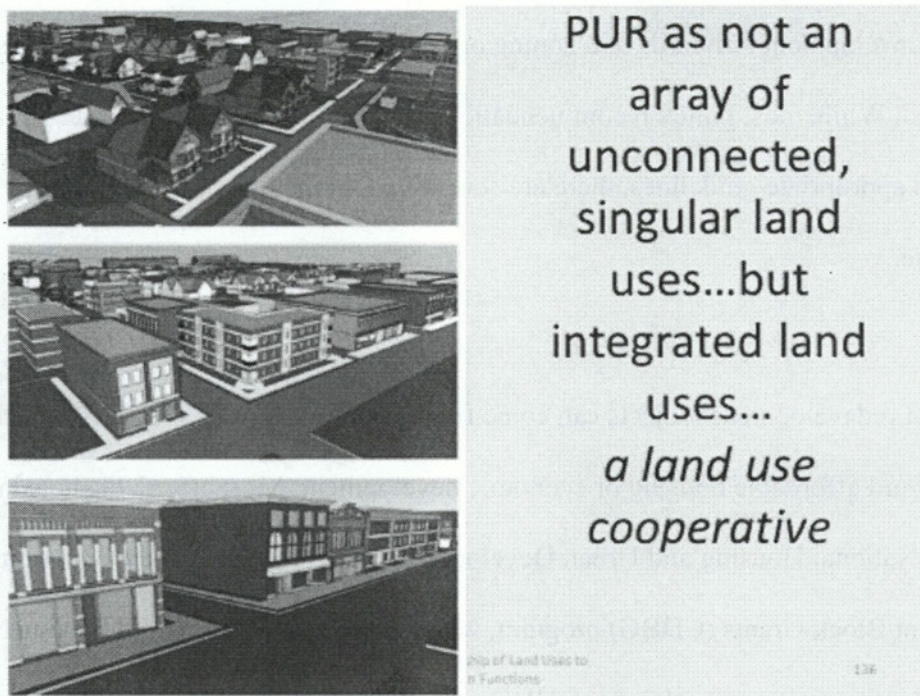
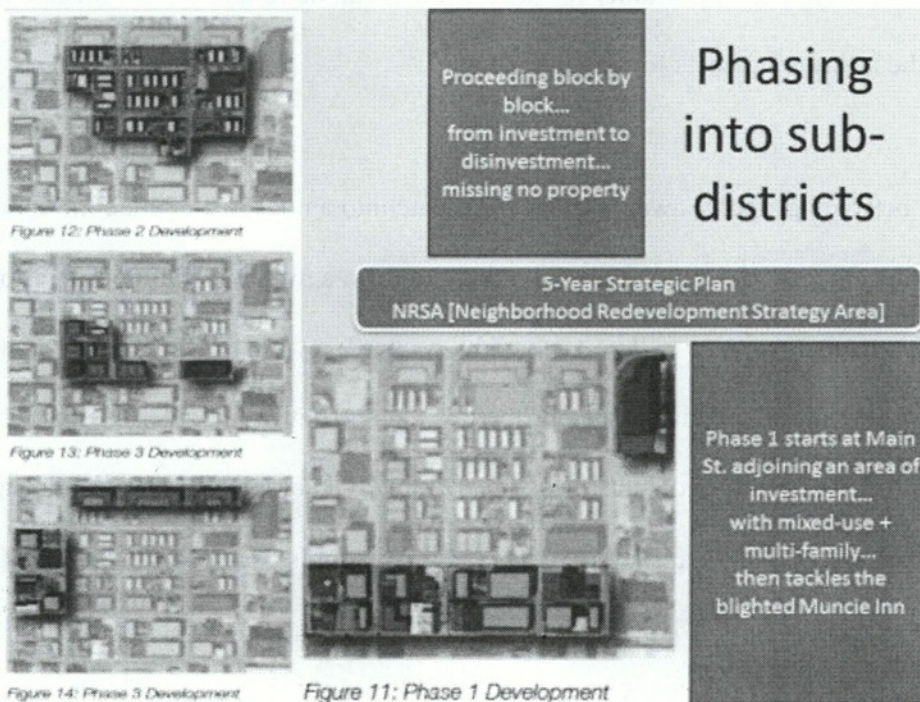


Figure 5: Example Phasing into Sub-districts



Policy Recommendations

Within the development standards of a zoning ordinance, certain policies can also be specified and enforced. While most policy recommendations will be ordered and designated to area-specific and appropriate guidelines, there are several recommended policies to enforce with a PUR scheme.

Financing of redevelopment projects can come from a combination of subsidies, whether directed toward affordable housing or economic development. Most affordable housing subsidies come from National Housing and Urban Development (HUD) funds or the Community Development Block Grants (CDBG) program, which disperse funds for activities such as anti-poverty and infrastructure development. HUD regulations under CDBG allow for area-wide benefits, seen in parks or other agrarian uses, if the area has 51% or more low/moderate income households, meaning that opportunity for development can be funded in low income areas and depreciate the transaction costs for developments.

Partnership between property owners could formulate into a non-profit collaboration and then paired with developers, and a city governing body to form a mutual benefit corporation. In general, land acquisition costs will be covered by property owners willing to participate and the city could forfeit vacant and city-owned properties. On the developer side, financing such a project will involve a number of subsidies, either from HUD or CDBG, or even through revolving loans. Revolving loans are granted is involvement is continuous with CDBG and CDC operations.

VII. Implications for Feasibility & Form

There are three key factors to remember when innovating new tools, alike PURs: consistency and consideration; respond to market demands; actionable planning; redevelopment over new development. From analyses within the Literature Review, Case Studies, and Methodology sections, several implications and findings can be concluded from a variety of research. Of the Literature Review and Case Studies sections, there are four actions that are noted throughout the literature.

First, nearly all zoning enabling state statutes require either *consideration* or *consistency* with the comprehensive plan to be enforceable and practiced by ordinance standards. Meaning, that any sort of development should adhere to a community's overall vision plan. APA policy guides emphasize this fact strictly and, even so, the interviewees identify the semblance of vision and development. In some case, this is easy, however, may be difficult depending on the regulatory standards of a city. This is imperative to follow in the case of a PUR; moreover, if there is a plan to pursue the wishes of the target neighborhood and its relation to the entire jurisdiction, there needs to be an impact on public facilities, hence amendment to a comprehensive plan in redefining the district for a targeted neighborhood.

Second, all types of planning should be proactive in responding to market demands, rather than reactive. Millennials are a large portion of a population and an important factor in the vitality of a neighborhood. Attraction is based on available places to live, work, shop, play, and learn, with a strong desire for mixed-uses and housing preferences, to which the PUR amplifies.

Third, to be effective, planning should be evolving toward the actionable plan, where a feasible path to implementation is delineated in responsible parties and resource requisites. Innovation of a PUR is to fully integrate planning, ordinance formulation, and action towards redevelopment. Community partnerships are proven to be most effective when sprawled across a variety of defined cooperatives of public and private sector players, as well as extensive stakeholder involvement and community organization. In the case of a PUR, when a market has abandoned a neighborhood, such as a blighted, vacant city, cooperative initiatives amongst stakeholders present a feasible alternative to ensure sustainable partnerships for continued implementation of a plan.

Lastly, within a PUR scenario, sustainability and its smart growth component promote redevelopment over new development. Traditional development relies on new construction methods, typically on easy-accessible or acquired land, such as a cornfield. PUR models promote adaptive reuse of current structures and existing infrastructure, carried by previous investment. Positive impacts are extensive and can be seen in the semblance of preserved time, cost, and impacts of energy consumption, carbon emissions, budgeting, and other private development costs.

Generalizations Found

From my Honors Undergraduate Research Fellowship opportunity, I was able to perform interviews of various practicing developers with varied specialties and interests, ranging from low income markets, affordable housing, real estate development, for-profit development, non-profit partnerships, and even academia experience. The process invoked questioning of PUDs,

literature review generalizations, case studies, NIMBY complications, adaptive reuse, public and private partnerships, etc. Of all interview transcripts, there were distinctive and continuous generalizations found within my research between interviewees.

Of the conclusions made, the most common response to perceived challenges within development, or the conception and process of a PUR, related to education standards. Nearly all interviewees agreed and professed that the role that a community may play in the development process is typically very-well defined and restricted so that development can happen quickly and without interruption by people that do not understand economic or housing/retail market trends. Which led me to then believe that community “education” may be the big problem, if more people were aware of how restrictive zoning is and/ or how innovative new ordinances and development projects can be to spur local economies, they may be more accepting and involved in development.

The role of educating rests mainly with the city planner as they are the advocate for stakeholders within the scope of development. A number of interviewees touched on the fact that city planners are taking a reactive, rather than proactive approach to planning, which confuses residents and leaves them to be frustrated, unaware, and uneducated about development. With this in mind, another insightful generalization is that because a PUR relies on community engagement and leadership, and this may be non-existent in a community already, residents are not engaged nor interested so the entire formation of a PUR is flawed because of a lag in education.

A third generalization found is that public and private partnerships can exist in a number of ways: a mutual benefit corporation, non-profit partnership, homeowner's association, etc.; however, each interviewee addressed the need for (a) a well-defined group of people, not simply a collective of residents in said city, (b) well-defined roles and responsibilities between all parties involved, and (c) aligned incentives between both the public and private sector so that motivation and collaboration is positive. A strong partnership harbors a defined mission statement and core values that make up an organized group. Each of these generalizations relates the initial overall structure of a PUR and must be addressed before any sort of ordinance is written and promoted, otherwise, a PUR will not be successful at all.

VIII. Conclusion

While conventional zoning continues to uphold outdated trends, the regulatory process is not entirely at fault. The reasoning for the innovation, like PUR scenarios, to not exist may very well be because of timidity in development and the reactive, rather than proactive, state of city planners. Just as most noteworthy planning journals conclude, community organization and involvement, within a defined role, is influential on projects. Within the PUR model, community engagement is forefront and the mantra for reviving low income markets.

Traditional development plans entail a single property and developer, whereas a PUR models suggest a mosaic, which is the epitome of community engagement. Land is now not assembled by purchase but rather by offering, and the redeveloper may be a consortium of existing property owners, managed by themselves or through partnership with the city and a master developer of construction management company. Unforeseen to date, a PUR translates rights and responsibility back to its residents and ensures cooperation between parties.

Various goals aforementioned for PUR formulation and implementation on page 67, include: Provide a planning process as bases for organizing a redevelopment area; mitigate the prolonged and expensive process of land assembly; accords vested rights, adding value to properties; site control and redevelopment plan with stakeholder buy-in qualifies and advances applications for redevelopment assistance to governments, foundations, and private sector financiers

While a PUR may not be perfect in its conceptualization presented in this thesis, the premise is this: to account for rapid change in urban demands, market abandonment in low income neighborhoods, and “sameness” in development, change must begin to occur in some form. To accommodate varying urban and suburban trends, zoning must evolve just as coherently and make way for strategic mixed uses. The problem is multifold and revolves around a mix of many factors, however, hopefully, within this thesis, an analysis of planned and unplanned effects, a conceptual PUR, and reclamation of development is presented.

XI. Works Cited

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